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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/803,722	03/18/2004	Scott Burgett	702.340 6996		
759	90 04/14/2005		EXAMINER		
Devon A. Rolf			SUN, XIUQIN		
GARMIN INTE 1200 East 151st	RNATIONAL, INC. Street	ART UNIT	PAPER NUMBER		
Olathe, KS 66062			2863		
			DATE MAILED: 04/14/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

		Applicatio	n No.	Applicant(s)			
Office Action Summary		10/803,722	2	BURGETT ET AL.			
		Examiner		Art Unit			
		Xiuqin Sun		2863			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply							
THE - Exter after - If the - If NC - Failu Any I	ORTENED STATUTORY PERIOD FOR MAILING DATE OF THIS COMMUNICA sions of time may be available under the provisions of 3' SIX (6) MONTHS from the mailing date of this communic period for reply specified above is less than thirty (30) deperiod for reply is specified above, the maximum statutore to reply within the set or extended period for reply will, eply received by the Office later than three months after the patent term adjustment. See 37 CFR 1.704(b).	TION. 7 CFR 1.136(a). In no ever cation. ays, a reply within the statul period will apply and will by statute. cause the applie	nt, however, may a reply be tim ory minimum of thirty (30) days expire SIX (6) MONTHS from sation to become ABANDONE	ely filed will be considered timely. the mailing date of this communicatio (35 U.S.C. § 133).	n.		
Status							
1)⊠	Responsive to communication(s) filed of	on <u>25 February 200</u>	<u>5</u> .				
2a)⊠	This action is FINAL . 2b)	This action is no	n-final.				
3) 🗌	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Dispositi	on of Claims						
4) ☐ Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) ☐ Claim(s) is/are allowed. 6) ☐ Claim(s) 1-7 and 10-16 is/are rejected. 7) ☐ Claim(s) 8,9,17 and 18 is/are objected to. 8) ☐ Claim(s) are subject to restriction and/or election requirement.							
Applicat	on Papers						
9) 🗌	The specification is objected to by the E	xaminer.					
10)⊠ The drawing(s) filed on <u>18 March 2004</u> is/are: a)⊠ accepted or b)□ objected to by the Examiner.							
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).							
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.							
Priority (ınder 35 U.S.C. § 119		•				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 							
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Attachmen	, ,		4) Interview Summary	(PTO-413)			
	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO	-948)	Paper No(s)/Mail Da	ite			
,	mation Disclosure Statement(s) (PTO-1449 or PTor No(s)/Mail Date	O/SB/08)	5) Notice of Informal P 6) Other:	atent Application (PTO-152)			

Art Unit: 2863

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 2. Claims 1-7 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Burgett et al. (U.S. Pat. No. 6768449 B1).

Burgett et al. teach a method and system for estimating altitude, comprising: an input receiving altitude readings (col. 4, lines 45-49); generating a drift error model based on repeated measurements at a fixed coordinate location (cols. 7-8, lines 1-10); determining a time lapse since a last altitude calibration (col. 5, lines 32-46); obtaining, from said drift error model, an expected error in altitude readings based on the time lapse since the last altitude calibration (cols. 7-8, lines 1-10); and calculating an estimated altitude based on the expected error (col. 5, lines 53-63 and col. 8, lines 36-49). The teaching of Burgett et al. further include: said determining a time lapse is performed at turn on (col. 5, lines 32-46); said determining a time lapse is performed periodically throughout operation (Fig 4 and col. 5, lines 32-46); said drift error model is

Art Unit: 2863

a barometric drift model (cols. 7-8, lines 1-10); storing in the drift error model an acceptable variation between actual altitude and an altitude derived from barometric pressure (col. 4, lines 45-49 and col. 5, lines 21-25); and said drift error model defines a statistical relationship between an anticipated drift in a barometric altimeter reading based upon an amount of time since last calibration (cols. 7-8, lines 1-10).

Allowable Subject Matter

Claims 8, 9, 17 and 18 are objected to as being dependent upon a rejected base 3. claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance: 4.

The primary reason for the allowance of claims 8 and 17 is the inclusion of the limitation of comparing drift model measurements one another to determine a range over which barometric pressure varies within predetermined periods of time. It is this limitation found in each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

The primary reason for the allowance of claims 9 and 18 is the inclusion of the limitation of storing, in the drift error model, predetermined ranges over which barometric pressure varies within discrete periods of time. It is this limitation found in

Art Unit: 2863

each of the claims, as it is claimed in the combination that has not been found, taught or suggested by the prior art of record, which makes these claims allowable over the prior art.

Prior Art Citations

- 5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 1). Johnson et al. (U.S. Pat. No. 6216064) disclose a method and apparatus for determining altitude.
- 2). Beason et al. (U.S. Pat. No. 6529827) disclose the GPS device with compass and altimeter and method for displaying navigation information.

Response to Arguments

6. Applicant's arguments received 2/5/2005 with respect to claims 1-7 and 10-16 have been considered but they are not persuasive.

Claims 1-7 and 10-16 are rejected as it is deemed that the Burgett patent (U.S. Pat. No. 6768499) does teach a method and system for estimating altitude (co. 4, lines 45-49).

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Application/Control Number: 10/803,722 Page 5

Art Unit: 2863

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiuqin Sun whose telephone number is (571)272-2280. The examiner can normally be reached on 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571)272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2863

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Xiuqin Sun Examiner Art Unit 2863

XS April 12, 2005

MICHAEL NGHIEM